

Message Text

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ACTION ABF-01

INFO OCT-01 ARA-14 ISO-00 PM-05 AID-05 IGA-02 H-02

/030 W

-----024532 290232Z /70

R 281745Z DEC 77

FM AMEMBASSY PANAMA

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USCINCSO QUARRY HTS CZ//SCSA//

SECDEF WASHDC//DSAA//

SECDEF WASHDC//ASD/ISA//

UNCLAS PANAMA 9171

E.O. 11652: N/A

TAGS: AGAO, PN, MASS

SUBJECT: GAO REVIEW OF USMILGP PANAMA, 5-9 DECEMBER 1977

REF: STATE 278790 DTG 212241Z NOVEMBER 1977.

1. THE GAO VISITED USMILGP PANAMA ON 5-9 DECEMBER 1977. THEY WERE HERE TO SURVEY MILGP COMPLIANCE WITH SECTION 515B OF THE SECURITY ASSISTANCE LEGISLATION OF 1977 WHICH STATES THE MILGP ACTIVITIES WILL BE CONFINED TO LOGISTICS MANAGEMENT, TRANSPORTATION, FISCAL MANAGEMENT AND CONTRACT MANAGEMENT OF COUNTRY PROGRAMS. THE MILGP PANAMA SURVEY WAS THE FIRST ONE CONDUCTED BY THE GAO ORIENTED TO THIS RECENT LEGISLATION. THE GAO TEAM MEMBERS, MESSRS. ABTS AND BROWN, DID NOT HAVE, AND DOUBTED THAT ANY AGENCY HAD, A FIRM DEFINITION OF THE TERMS LOGISTICS MANAGEMENT, ETC., AS WRITTEN IN THE LEGISLATION; HOWEVER, THEY WERE OPEN TO SUGGESTION FROM THE WORKING LEVEL AS TO HOW WE PERCEIVED AND WERE APPLYING THOSE TERMS.

2. EXTENSIVE BACKGROUND INFORMATION REGARDING THE HISTORY,
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ORGANIZATION AND CURRENT FUNCTIONS OF THE MILGP WAS PRESENTED TO THE TEAM BY THE MILGP COMMANDER. AT THE TEAM CHIEF'S INVITATION, THE MILGP ALSO FURNISHED A FACT SHEET FOR INCLUSION IN THE GAO REPORT ADDRESSING PROBLEMS RAISED BY FUNCTIONS RECOGNIZED BY SECTION 515B AND ANSWERING SPECIFIC QUERIES POSED BY THE TEAM CHIEF. FROM THIS INFORMATION AND PERSONAL INTERVIEWS WITH THE MEMBERS OF THE MILGP THE VISITORS PRESENTED SEVERAL

TENTATIVE FINDINGS AT THE CONCLUSION OF THEIR VISIT WHICH ARE CITED BELOW.

3. IT WAS CLEARLY POINTED OUT TO THE GAO VISITORS THAT OVERLY STRICT INTERPRETATION OF SECTION 515B OF THE ACT WOULD NOT BE IN THE BEST INTEREST OF THE UNITED STATES; THAT BECAUSE OF THE PANAMA CANAL AND ITS STRATEGIC IMPORTANCE TO OUR NATION WE WERE OBLIGED TO CONTINUE TO FUNCTION UNDER THE PROVISIONS OF THE EXECUTIVE AGREEMENT OF 1942 AS AMENDED AND ASSIST IN THE DEVELOPMENT OF LEGITIMATE AND CAPABLE TACTICAL FORCES FOR THEIR NATIONAL AND CANAL DEFENSE. THIS THE PANAMANIAN CANNOT ACCOMPLISH ON THEIR OWN INITIATIVE AND ARE CLEARLY EXPECTING THE UNITED STATES TO PROVIDE THE EXPERTISE. IN THE DISCUSSIONS THE SENIOR GAO REPRESENTATIVE EXPRESSED THE OPINION THAT IT WOULD BE MORE APPROPRIATE TO INCLUDE USMILGP PANAMA WITHIN THE PURVIEW OF SECTION 515A OF THE ACT WHICH RECOGNIZES SUCH ALLIANCES AS NATO AND THE SITUATION IN KOREA RATHER THAN 515B.

4. ALSO SURFACED DURING THE GAO VISIT WAS THE UNRESOLVED PROBLEM POSED BY THE 1977 MILITARY ASSISTANCE ACT AND THE EXISTENCE OF NUMEROUS EXECUTIVE AGREEMENTS WITH LATIN AMERICAN GOVERNMENTS CONCERNING MILITARY GROUPS AND SECURITY ASSISTANCE. BECAUSE OF THE ACT MANY OF THESE BILATERAL AGREEMENTS, INCLUDING THAT OF THE US AND PANAMA, APPEAR TO HAVE BEEN UNILATERALLY ABROGATED. THIS IS A PARTICULAR PROBLEM FOR THE MILGP PANAMA SINCE THE NEW CANAL TREATY SPECIFICALLY RECOGNIZES THE AGREEMENT OF 1942 AND UNCLASSIFIED

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PERPETUATES THE RELATIONSHIP IN OUR MUTUAL INTEREST. THE GAO TEAM DID NOT RENDER AN OPINION ON WHETHER OR NOT THE CONGRESS INTENDED TO CAUSE THE ABROGATION OF EXISTING AGREEMENTS BUT AGREED THAT THIS PROBLEM MUST BE ADDRESSED IN THEIR REPORT.

5. IT WAS THEIR OPINION THAT WHILE THE SIZE OF THE MILITARY GROUP WAS IN CONFORMITY WITH THE PROVISIONS OF THE LEGISLATION, THE FUNCTIONS OR DUTIES PERFORMED WERE NOT IN STRICT COMPLIANCE WITH SECTION 515B. SPECIFICALLY, THEY FOCUSED ON THE NUMEROUS ATTACHE TYPE FUNCTIONS WHICH THE MILGP PERFORMS IN PANAMA BECAUSE NO DAO IS PRESENT NOR BELIEVED NECESSARY BY THE MISSION, AND ON THE ROLE WHICH THE MILGP NOW FULFILLS AS CONSULTANTS TO THE NATIONAL GUARD IN ITS PLANNING AND FORCE DEVELOPMENT TOWARD MEETING FUTURE OBLIGATIONS IN THE SHARED DEFENSE OF THE CANAL DURING THE NEW TREATIES PERIOD.

6. THE TEAM LEFT HERE WITH THE CLEAR PERCEPTION THAT THIS WAS NOT THE TIME TO RECOMMEND ANY SIGNIFICANT CHANGES TO MILGP PANAMA AND ITS MODUS OPERANDI; MATTERS MUST AWAIT THE OUTCOME OF SENATE RATIFICATION DELIBERATIONS ON THE NEW TREATIES. THEREAFTER, ASSUMING RATIFICATION, THE GAO TEAM APPEARED TO AGREE THAT IT WOULD BE NECESSARY FOR THE EXECUTIVE AND CONGRESS TO RECONCILE THE

FUTURE FORM AND ROLE OF THE UNITED STATES MILITARY PRESENCE IN
THE REPUBLIC AS OPPOSED TO US TACTICAL MILITARY ELEMENTS WHO
WILL REMAIN UNDER THE NEW TREATIES AND PENDING STATUS OF FORCES
AGREEMENT. MILGP PANAMA IS NOW IN THE PROCESS OF PREPARING
A PROPOSAL WHICH CONSIDERS ITS (MILGP) RELATIONSHIP AND ROLE IN
THE NEW TREATIES PERIOD. THIS WILL BE PROVIDED AFTER DEVELOPMENT
AND APPROVAL BY THE AMBASSADOR AND CINCSOUTH.
JORDEN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: GAO AUDITS, MILITARY ASSISTANCE PROGRAMS
Control Number: n/a
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Decaption Note:
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Disposition Comment:
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Enclosure: n/a
Executive Order: N/A
Errors: N/A
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Format: TEL
From: PANAMA
Handling Restrictions: n/a
Image Path:
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Legacy Key: link1977/newtext/t19771212/aaaaajki.tel
Line Count: 124
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Litigation History:
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Office: ACTION ABF
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 STATE 278790
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
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Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 121044
Secure: OPEN
Status: NATIVE
Subject: GAO REVIEW OF USMILGP PANAMA, 5-9 DECEMBER 1977
TAGS: AGAO, MASS, PN, US
To: STATE DOD
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/41fb5dfc-c188-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009